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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/031,767	02/27/1998	KAZUHIKO HATANO	35.C12600	9089

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EXAMINER	
TILLERY, RASHAWN N	

ART UNIT	PAPER NUMBER
2612	24

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

Office Action Summary	Application No.	Applicant(s)	
	09/031,767	HATANO, KAZUHIKO	
	Examiner	Art Unit	
	Rashawn N Tillery	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Therefore the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al (US4272787) in view of Takahashi et al (US5162914).

Michael teaches a T.V. picture freeze system capable of capturing a video frame comprising first and second fields, frame storage for storing information from the first and second fields, a movement detector storage for storing data indicative of any movement detected and a selector for selectively outputting information from a single field or both fields depending on the stored movement

data (see col. 2, lines 43-68). Moreover, if no movement has been detected, information from both fields is used; however, if movement has occurred, only a single field is used.

Regarding claim 16, Michael discloses, in figure 2, an image pickup apparatus comprising:

an image sensor (inherent feature) that picks up an image corresponding to an optical image, and produces a first field image signal and a second field image signal different from the first field image signal (see examiner's notes above);

a synthesizing circuit (18) that synthesizes the first field image signal and the second field image signal to form a synthesized field image signal (the examiner notes that synthesizing, as defined by Merriam Webster's Collegiate Dictionary, tenth edition, is "the composition or combination of parts or elements so as to form a whole." Thus, Michael teaches, in figure 2, "synthesizing" two inputted fields, in read selector 18, to form a single frame);

a detecting circuit (23) that detects an amount of motion vector and produces a detection signal in comparison with a predetermined threshold level; and

a control circuit (18) that selects a non-synthesizing mode if the amount of motion vector is more than a predetermined threshold level (Michael teaches if movement has occurred, only a single field is used) and a synthesizing mode of producing the synthesized field image signal having the synthesized data if the

amount of motion vector is less than the predetermined threshold level (Michael teaches if no movement has been detected, information from both fields is used).

Michael does not expressly disclose a difference in exposures of the fields. Takahashi teaches an image sensing device capable of forming a picture from a plurality of pictures of different exposures obtained in a single field (see col. 6, lines 48-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michael's device by implementing Takahashi's teachings. It would have been highly desirable for Michael to be able to create a single field image signal taken at different exposure periods. One would have been motivated to do so in an effort to produce a more complete image signal.

Regarding claim 17, Michael inherently teaches the first field image signal and the second field image signal are sequential signals since the fields compose a single frame.

Regarding claim 18, see claim 16 above.

Regarding claim 19, see claim 16 above.

Regarding claim 20, Michael does not expressly disclose producing one field image signal by selecting a proper exposure part of the first field image signal and a proper exposure part of the second field image signal. Takahashi, however, reveals that it is well known in the art to combine portions of image signals taken at different exposures to produce a single field image signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Michael's teachings of outputting a single field

image, since Michael clearly outputs an image with less data (only half of a frame is selected), by Takahashi's teachings. It would have been highly desirable for Michael to be able to create a single field image signal taken at different exposure periods by combining portions of each field. One would have been motivated to do so in an effort to produce a more complete image signal.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

AUNG MOE
PRIMARY EXAMINER